



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MEMORANDUM**

**Date:** January 12, 2016

**To:** Robert Best, Chairman, & Members, Planning Board

**From:** Robert Price, Assistant Planner

**Subject:** **Shawn Farrell (applicant) and Brett W. Vaughn Revocable Trust (owner)** – Review for acceptance and consideration of Final Approval of an application for a three lot minor subdivision. The parcel is located on Wilson Hill Road in the R-1 (Residential), and Aquifer Conservation Districts, and Wellhead Protection areas. Tax Map 4A, Lot 004.

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### **Background**

Map 4A / Lot 4 is situated across from 123 Wilson Hill Road (which is also owned by the Brett Vaughn Revocable Trust), is located in the R-1 (Residential) District and was created by the recording of plan #21257 at the HCRD in 1987. The subject parcel is located to the southerly side of Wilson Hill Road and is abutted by residential properties and largely vacant land to the north, east and west, and by the Souhegan River to the south.

The subject parcel is comprised of approximately 28.03 acres which the applicant is proposing to subdivide into three lots. The first lot (lot 4-2) will be  $\pm 2.38$  acres. The second lot (lot 4-1) will be  $\pm 2.99$  and has a driveway easement across it to the benefit of Lot 4. The third lot (lot 4) will retain the remaining  $\pm 22.67$  acres. Each of the lots is proposed to be serviced by private wells and septic systems.

On November 18, 2015 the applicant was granted a variance by the Zoning Board of Adjustment to permit this subdivision with the largest lot (lot 4) having only 209.90 feet of frontage whereas 205 feet is required, conditioned upon Planning Board approval.

### **Completeness**

**Staff recommends that the Board vote to accept the application**, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

### **Waivers**

Although none have been requested, staff recommends a sidewalk waiver per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination under Section 4.07 that it is not necessary.

**Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:**

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**

- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

**Recommendation**

Based on the information available to date, **staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. The applicant shall obtain all required State approvals/permits (NHDES Subdivision, NHDES Wetlands, and any others as may be applicable), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
2. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
3. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
6. The applicant shall address any forthcoming comments from the Building Department, as applicable;
7. The applicant shall address the following comments from the Fire Department:
  - a. The construction of all roads and access ways must be completed to the Town of Merrimack specifications allowing access and supporting the weight of fire and emergency medical apparatus throughout the construction period. Due to the length of the new proposed driveway on lot 4A-4, which is over 1,000 feet in length, it must also meet the above standard, as well as maintaining a minimum clear width of 16 feet throughout its length and having an acceptable Fire Apparatus Turn around area at the far end of the driveway. (NFPA 1, Chapter 18)
  - b. The new lots created by this subdivision shall have the following addresses assigned:
    - i. Lot 4A-4-2 shall be # 120 Wilson Hill Road.
    - ii. Lot 4A-4-1 shall be # 122 Wilson Hill Road
    - iii. Lot 4A-4 shall be # 124 Wilson Hill Road
8. The applicant shall address any forthcoming comments from the Public Works Department, as applicable;

9. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
10. The applicant shall address the following Planning Staff Technical Comments:
  - a. Recommend creating a shared driveway for Lots 4 & 4-1 so as to eliminate the curb cuts so close to one another on Wilson Hill Road and minimize the wetland impact for driveway construction.
  - b. Revise ownership information for Map 4A/Lot 23 to correct spelling of "Breet" to "Brett" on all sheets;
  - c. Revise Note 5 spelling of "exist" to "exists" on all sheets;
  - d. Revise Sheet 1, Note 17 spelling of "Adjustments" to "Adjustment";
  - e. Applicant to add a note to the plan indicating that the plan is to be recorded at HCRD and that a copy is on file with the Community Development Department;

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.

Cc: Planning Board File  
Correspondence

Ec: Brett W. Vaughn Revocable Trust, owner  
Shawn Farrell, applicant  
Chad E. Branon, P.E., Fieldstone Land Consultants, PLLC  
Fred Kelly, Building Official  
Carol Miner, Building Department Secretary  
Captain John Manuele, Merrimack Fire Department  
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer  
Loren Martin, Assessing Department  
Tim Tenhave, Chair, Merrimack Conservation Commission